

**WILLIAMSBURG CITY COUNCIL
MINUTES
JUNE 12, 2003**

The Williamsburg City Council held its regular monthly meeting on June 12, 2003, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Nester, Hudson, Serra, Walentisch, and Assistant City Manager, Jodi Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Houghland Moved Approval of the City Council Minutes of May 5 and May 8, 2003. The Motion Was Seconded By Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland Tabb

No: None

PUBLIC HEARINGS

Certificate of Public Convenience and Necessity, Williamsburg Taxi Service

Reference for this matter was Mr. Tuttle's report dated June 3, 2003, which included a copy of Mr. Asbury's application and notice of public hearing. Mr. Tuttle asked Ms. Crist to brief Council on the request.

Ms. Crist explained that Mr. Asbury is applying for a Certificate of Public Convenience and Necessity for a total of four vehicles to be called "Williamsburg Taxi Service." Three are ready to be put into operation, with plans for a fourth. As required by the City Code, this public hearing has been noticed in the newspaper.

Last month, City Council approved Yellow Cab of Williamsburg's application to increase their fleet to 18 cabs. Mr. Asbury's additional four taxis would bring the total up to 22 permitted taxis in the city. To date, Mr. Asbury has met the Code requirements by providing a Certificate of Insurance, his DMV Permit, photos of his vehicle and signage, and the registration of his trade name. Mr. Asbury is currently operating in James City County and York County. If Council approves the request, the Police Department will inspect the cabs for safety and meter calibration.

Staff recommended that Council approve the request unless information is received during the public hearing that would cause Council to deny or modify the request.

Mayor Zeidler opened the public hearing.

Mr. Hamad Juma, 5405 Skalak Drive, Williamsburg, Virginia, read a letter from Ms. Teresa M. Schmidt, in support of Mr. Asbury's application, stressing the need for additional cab service in the city for the benefit of residents and tourists.

Mr. David Asbury, asked for Council's favorable consideration. He noted that he has been turning down fares in the city because he is not yet licensed.

No one else wished to speak. The hearing was closed.

Ms. Crist responded to Mr. Tabb that Mr. Asbury would not be leasing cabs, but would hire drivers to work directly for him, with the exception of Mr. Juma, who is temporarily working for Mr. Asbury and driving his own vehicle. Mr. Haulman was pleased that the number of certifications would increase to what it was years earlier.

Mr. Scruggs Moved That City Council Approve a Certificate of Public Convenience and Necessity for David R. Asbury to operate as "Williamsburg Tax Service" with Four Taxicabs. The Motion Was Seconded By Mr. Haulman.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland Tabb

No: None

PCR #03-07: Request of New Town United Methodist Church for a Special Use Permit to Locate a Church at 309 Waltz Farm Drive, Present Site of the Williamsburg Christian Academy

Reference for this matter was Mr. Nester's report dated June 12, 2003. Mr. Nester said that the church is requesting the special use permit (SUP) to locate at the present site of the Williamsburg Christian Academy located on Waltz Farm Road. The church has been meeting there for over two years for Sunday services, and would like to become the primary user of the site once the Christian Academy moves to its new location in Stonehouse.

The property is zoned RS-2 which allows, with a SUP, churches and other permanent buildings used for religious worship. If the SUP is approved, the church plans to use the site for the next three years, before they move to their permanent location on Monticello Avenue. There is adequate parking on site. The Planning Commission held a public hearing on this matter, and recommended to Council that the special use permit be approved subject to five conditions recommended by staff.

The Mayor opened the Public Hearing.

No one wished to speak. The public hearing was closed.

Mr. Haulman Moved that City Council Approve the Special Use Permit for New Town United Methodist Church, Contingent Upon the Following Conditions Recommended by Staff:

- 1. Approval is for a period of three years, from November 1, 2003 to November 1, 2006.*
- 2. A waiver to the site plan requirements is approved to allow the overflow parking area to be constructed with a mulched surface instead of the required gravel surface. The overflow parking area shall be constructed in accordance with the site plan entitled "TEMPORARY OVERFLOW PARKING, NEWTOWN METHODIST CHURCH," which includes the stabilization of existing denuded areas.*
- 3. The overflow parking area shall be removed and planted with grass or other groundcover acceptable to the Zoning Administrator upon the termination of use of the site by the New Town United Methodist Church.*
- 4. The location of the overflow parking area shall be approved by Virginia Power and the Newport News Waterworks prior to construction, since it is located within their easements.*
- 5. Resolution of minor engineering details shall be approved by City staff.*

The Motion Was Seconded by Mr. Scruggs

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland Tabb

No: None

PCR #03-08: Request of Colonial Williamsburg Foundation to add "Interpretative Areas for Educational Programs and Historical Presentations" as a Permitted Use in the MS District, *Proposed Ordinance #03-13*

Reference for this matter was Mr. Nester's report dated June 12, 2003. Mr. Nester explained that Colonial Williamsburg Foundation is proposing to amend the zoning text for Museum Support District MS by adding interpretive areas for education programs and historical presentations" as a permitted use. They proposed to establish an interpretive area named "Great Hopes Plantation" south and west of the pedestrian walkway just beyond the new pedestrian bridge. Presently, interpretative areas are not allowed in the MS District but are allowed in the Historic Area CW zoning district. Since the area where the Plantation is proposed is physically separated from the Historic Area, it is reasonable to add the use to the MS District, rather than expand the Historic Area boundaries.

Using an overhead map, Mr. Nester reviewed the Great Hopes Site Plan showing the location of the pedestrian bridge and proposed plantation layout. The Planning Commission held a public hearing on this matter and recommended to Council that the Proposed Ordinance be approved. Also, they approved the site plan contingent upon Council's approval of the zoning text amendment.

Mayor Zeidler opened the public hearing.

No one wished to speak. The public hearing was closed.

Council and Mr. Nester discussed the request.

1. Mr. Nester reviewed the Museum Support areas on an overhead map. This proposed change would apply to all MS designated areas. Pedestrian use was not considered when the MS district language was written in 1991. Visitors will park at the Visitor Center and walk through the Great Hopes Plantation Site, transitioning into the Historic Area.

2. Mr. Nester was of the opinion that the zoning text change was the best way to handle the request for an interpretive use, rather than a special use permit. The scope of use is similar to the uses already allowed in the MS District. A Special Use Permit process is most often used for a different type of use such as buildings, larger parking lots, and higher intensity uses, etc.

Mr. Scruggs lightheartedly commented that he will be pleased to tell his fellow Soil and Water Conservation Board members that the city will now have farming and agricultural uses.

Mr. Scruggs Moved That City Council Approve Proposed Ordinance #03-13, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, Section 21-432(7), Museum Support District. The Motion Was Seconded by Mr. Haulman.

Mayor Zeidler said she would abstain from voting because she is an employee of the Colonial Williamsburg Foundation.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Houghland Tabb

No: None

Abstain: Zeidler (SEE ATTACHED ADOPTED ORDINANCE #03-12)

REPORTS

Monthly Financial Statement

The Monthly Financial Statement was received and ordered filed.

Mr. Tuttle reported that Room/Meal Tax and Sales Tax revenues are down compared to last year. The city expects room tax revenue to finish for the year at \$30,000 under budget and Meal Tax revenue \$165,000 under budget. The final figures for Room/Meal and Sales Taxes will not be available until sometime in the fall. Mayor Zeidler noted that budget estimates are usually very conservative, and these figures are very sobering.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Mr. Tuttle noted that there was an error on the Police monthly report. The correct number of parking violations was 477, not 9,806.

Police Accreditation Process: Mr. Tuttle reported that he attended a meeting with the CALEA inspectors and said that the Police department received glowing comments from the Accreditation Team. They emphasized the department's professionalism, management, and team effort. The department expects to receive reaccreditation in the fall.

Mr. Tuttle reported that the Waller Mill Reservoir was full and water was flowing over the spillway.

City Manager Reports

American Passenger Rail Agreement, *Proposed Resolution #03-10*

Reference for this item was Mr. Tuttle's report dated May 30, 2003, which included a letter from the Peninsula Friends of Rail and Virginians for High Speed Rail requesting Council's support of the "American Passenger Rail Agreement." The APR Agreement relates to the future of intercity passenger rail service and the efforts to obtain federal funding to update rail infrastructure, service, and equipment for rail service between Washington, DC and Newport News by 2007. The city's resolution, along with others from Virginia municipalities, will be used to obtain support of the Virginia Congressional Delegation for the proposals outlined in the agreement. He recommended that City Council adopt the resolution in support of the agreement. He noted that the brochure included with the report outlined how the money would be spent and how service would be improved if the proposal passes.

Mr. Houghland, a member of the Peninsula Friends of Rail, recognized the work of John Raup and Mr. Tom Tingle, who are also members. He hoped more people would join in this effort to get the rail system going. (Mr. Raup was present.)

Council members briefly discussed the benefits of "higher"-speed rail service and the need for more train trips per day, south of Washington, DC.

Mr. Houghland Enthusiastically Moved That City Council Adopt Resolution #03-10, A Resolution Regarding the American Passenger Rail Agreement. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland Tabb

No: None

(SEE ATTACHED RESOLUTION #03-10)

Regional Jail Refunding, *Proposed Resolution #03-09*

Reference for this item was Mr. Tuttle's report dated June 5, 2003, and Proposed Resolution #03-09. Mr. Tuttle explained that the Commonwealth of Virginia recently exercised its option to pre-pay its portion of the bond for the construction of the Regional Jail. This placed an additional financial burden on localities in the amount of \$1.2 million. The Jail Authority has been working with its financial advisors to mitigate the impact of the State's early payoff, and has authorized a refunding in the aggregate principal amount of \$21.655 million for a term of fifteen years at an interest rate of 3.485%. Each jurisdiction

must also approve the refunding. Mr. Tuttle recommended that Council approve the proposed resolution.

Mr. Tuttle and Mr. Houghland discussed the financial impact of the penalty for call of the bonds and the possibility of extending the length of time for pay back in order to save some money.

Mr. Haulman Moved That City Council Approve Proposed Resolution #03-09, The Issuance of Refunding Revenue Bonds Series 2003 by the Virginia Peninsula Regional Jail Authority. The Motion Was Seconded by Mr. Tabb.

Mr. Houghland offered an amendment that the City Manager query the length of time for the bond issue (term of bond issue), and determine if it is feasible for anything to be done.

Mr. Haulman and Mr. Tabb accepted the amendment.

Mr. Tuttle was of the opinion that it would be difficult to restructure at this time, but he will check into this. He and Council members briefly discussed the funding formula for the jail.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland Tabb

No: None

(SEE ATTACHED RESOLUTION #03-09)

City Attorney Report

Licensing of Dogs, Proposed Ordinance #03-14

Mr. Phillips said that the proposed ordinance AMENDS THE city Code to provide for a lesser licensing fee for spayed and neutered dogs. It does not address licensing of cats. He recommended that Council adopt the Proposed Ordinance.

Mr. Haulman Moved That City Council Adopt Proposed Ordinance #03-14, An Ordinance to Amend Section 4-58, Chapter 4, Article II, Division 2 and Section 4-76, Chapter 4, Article III, Division 3 of the Williamsburg City Code. The Motion Was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland Tabb

No: None

(SEE ATTACHED ADOPTED ORDINANCE #03-13)

NEW BUSINESS

Appointments to Boards and Commissions

Mr. Scruggs Moved That City Council Reappoint City Manager, Jackson C. Tuttle, to the Hampton Roads Planning District Commission for a Two-Year Term Effective July 1, 2003 to June 30, 2005. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

School Graduations: Mr. Scruggs congratulated the fifth grade graduates at Matthew Whaley School on their graduation, and special congratulations to his daughter Carolyn. Mayor Zeidler noted that Jamestown and Lafayette High Schools would hold graduation ceremonies over the coming weekend.

OPEN FORUM

Mayor Zeidler opened the session.

No one else wished to speak. The session was closed.

CLOSED SESSION

Mr. Houghland Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1 concerning appoints to Boards and Commissions. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Tabb, Houghland

No: None

The meeting adjourned at 2:45 p.m. (Mayor Zeidler called a five-minute recess.)

At 3:15 p.m., Council met in Open Session.

Mr. Houghland Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Zeidler, Scruggs, Tabb, Houghland

No: None

CERTIFICATION OF CLOSED MEETING

Date: June 12, 2003

Motion: Mr. Houghland Second: Mr. Tabb

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public

business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Haulman, Scruggs, Zeidler, Tabb, Houghland

No: None

Absent During Vote: None

Absent During Meeting: None

Decal Fee: Mr. Haulman asked the City Manager to look into the matter of students who live off campus but do not pay the \$50.00 decal fee to park on city streets. He suggested that perhaps the city should lower the decal fee to encourage parking on city streets instead of on lawns and driveways. Mr. Tuttle will research the matter and report back to Council.

Mayor Zeidler reported on the City/College Summit. Topics of discussion included the Campus Master Plan and Jamestown Road Corridor College-owned properties

The meeting adjourned at 3:50 p.m.

Approved: July 10, 2003

Shelia Y. Crist, Clerk of Council

Jeanne Zeidler, Mayor